

ORDINANCE NO. 103

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NAPA SANITATION DISTRICT, AMENDING DISTRICT CODE
SECTION 5.01 TO ADD SECTION 5.01.075 AUTHORIZING THE DISTRICT TO
COLLECT DELINQUENT SEWER SERVICE AND OTHER CHARGES ON
THE TAX ROLL AND TO IMPOSE A LIEN ON REAL PROPERTY
FOR SUCH DELINQUENT CHARGES**

WHEREAS, the Napa Sanitation District Board of Directors adopted Ordinance No. 102 by a 2/3 vote of its members prescribing fees for sewer service; and

WHEREAS, the Napa Sanitation District Board of Directors finds that the District needs a process to collect delinquent sewer service and use charges from customers who are directly billed for sewer service; and,

WHEREAS, Health and Safety Code Section 5470 *et seq.* authorizes the District to collect delinquent sewer service and other charges on the tax roll and to impose a lien on real property receiving sewer services for such delinquent charges; and

WHEREAS, the Napa Sanitation District Board of Directors finds that adding delinquent charges to the tax roll pursuant to its authority under Health and Safety Code Section 5470 *et seq.* is the most efficient method to collect delinquent changes, and in the best interest of the District; and,

WHEREAS, Napa Sanitation District Board of Directors finds that in addition to adding charges to the tax roll, pursuant to its authority under Health and Safety Code Section 5470 *et seq.* it is in the interest of the District also to be able to place a lien on property for the collection of delinquent charges, interest and penalties applicable to the property.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE NAPA SANITATION DISTRICT:

SECTION 1. The following new Section is added to Section 5.01 of District Code:

5.01.075 Delinquent Sewer Service and Other Charges

- A) Enforcement.** In the event any owner or user fails to pay when due any sewer service or other charges applicable to the premises, the District may enforce payment of such delinquent charges in any of the following manners:
- (1) The General Manager may have such premises disconnected from the sanitary sewer system in accordance with Section 4.04.180(A)(10) and no reconnection shall be made until all such charges are paid.
 - (2) The General Manager may institute an action in any court of competent jurisdiction to collect any charges which may be due and payable in the same manner as any other debts owing to the District may be collected.

- (3) Any and all delinquent charges may be placed on the tax roll, and collected in the same manner, by the same persons and at the same time as property taxes in accordance with the procedures set forth in California Health and Safety Code section 5473 *et seq.* and any amendments thereto.
- (4) Such other action may be taken as may be authorized by law and by the District Board of Directors.

B) Lien for Delinquent Charges and Penalties.

- (1) Delinquent sewer service charges, penalties and other charges, when recorded in accordance with the procedures set forth in California Health and Safety Code section 5473 *et seq.* and any amendments thereto, shall constitute a lien upon the real property served and such lien shall continue until the charge and all penalties thereon are fully paid or the property is sold therefor. Any such lien shall have the same force, effect, and priority as a judgment lien.
- (2) Enforcement of Lien. As a separate, distinct, and cumulative remedy for the collection of charges and penalties thereon, the District Counsel may bring an action in the name of the District to enforce the lien of the charges and penalties.
- (3) Discharge of Lien. Property may be discharged from the lien by payment of all delinquent charges and penalties.

C) Relief from Charges, Fees or Levies. If the Board finds that a charge, fee or levy is unjust or inequitable because of special circumstances, it may, upon its own motion or written application of an owner or occupant of a premise, pursuant to Sections 4.01.050 and 4.01.060, fix a fair and equitable charge, fee or levy.

SECTION 2.

1. **Severability.** If any provision of the ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable.
2. Within 15 days of adoption, this Ordinance shall be published in the Napa Valley Register, pursuant to California Health and Safety Code Sec. 4766 and California Government Code Section 25124.
3. Following a first reading of the title of this ordinance, which occurred at the regular meeting of the District Board, held on September 7, 2016, the foregoing ordinance was duly:

PASSED AND ENACTED at a regular meeting of the Board of Directors of
Napa Sanitation District duly held on the 21st day of September, 2016, by the following
vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jill Techel, Chair
Napa Sanitation District

ATTEST:

Cheryl Schuh, Secretary
Napa Sanitation District

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